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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17223 and 17251 of 2009

C.J. Fernandez ..Petitioner in W.P.No.17223 of 2009

L. Sundaravardhan ..Petitioner in W.P.No.17251 of 2009

vs

1.Land Acquisition Officer Cum
Deputy Collector
[Revenue] North,
Pondicherry.

2.Additional Secretary [Revenue]
Government of Pondicherry
Revenue Department
Secretariat, Pondicherry. ..Respondents in both W.Ps.

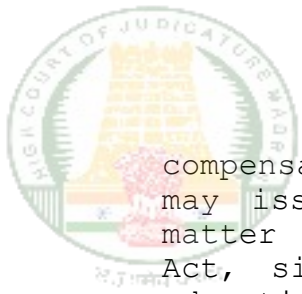
Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari or any other writ, order or direction or order in the nature of writ, call for the records in G.O. Miscellaneous No.24 Pondicherry Government Revenue Department dated 24.2.2005 and published in Pondicherry Government Gazette No.12 dated 22.03.2005 followed by a declaration under Section 6 made in G.O. Miscellaneous No.63, Pondicherry Government, Revenue and Disaster Management Department dated 14.08.2006 and published in the Pondicherry Government Gazette No.36, dated 5.9.2006 quash the same in respect of S.No.217 in Uzavarkarai Village.

For Petitioner : Mr. R. Madanagopal

For Respondents : Mr. N. Mala, AGP (Pondicherry)

C O M M O N O R D E R

The petitioners are the owners of land in Survey No.217. The said land was acquired by the State Government for the purpose of establishing a College of Arts and Science. Though Section 4 notification was issued on 22.03.2005 and therefore declaration under Section 6 was published on 5.09.2006, it appears that no 5A enquiry was conducted and no appropriate



compensation was awarded and hence it is prayed that this Court may issue direction to the competent authority to refer the matter to civil court under section 18 of the Land Acquisition Act, since the acquisition was for the purpose of cause of education. However, for appropriate compensation, this court may issue direction to the Acquisition Office/Deputy Collector to refer the matter to civil court for consideration of appropriate compensation on the prevailing market value and pass appropriate orders.

2. The Government Pleader, on instructions, would submit that if an application is filed, the competent authority undertakes to forward the said application under section 18 of the Acquisition Act for appropriate compensation.

3. In view of the request made by the learned counsel for the petitioner as well as Additional Government Pleader, I am inclined to grant permission to the petitioners to make appropriate application before the Deputy Collector/first respondent within a period of two weeks from the date of receipt of a copy of this order and thereafter the first respondent shall refer the matter under section 18 of the Land Acquisition Act to the competent Civil Court enabling the court to enhance appropriate compensation. With this direction, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

mrn

Sub Assistant Registrar

To

1.Land Acquisition Officer Cum
Deputy Collector
[Revenue] North,
Pondicherry.

2.Additional Secretary [Revenue]
Government of Pondicherry
Revenue Department
Secretariat, Pondicherry.

+2 ccs to Mr.R.Madanagopal, Advocate, S.R.No.61638 & 61639

W.P.Nos.17223 and 17251 of 2009

KS (CO)
SSM(29/08/2019)